

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - : ORDER CONCERNING BAIL FUNDS

SAMUEL GENTLE, : 16 Cr. 238 (CS)

Defendant. :

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WHEREAS, on or about April 28, 2016, SAMUEL GENTLE, the defendant, posted \$100,000 (the "Bail Funds") in connection with satisfying the conditions of release pending trial in this matter, and the Bail Funds remain on deposit with the Clerk of Court (receipt number 465407012955);

WHEREAS, on or about July 25, 2016, the defendant was convicted following a trial by jury of all counts;

WHEREAS, on or about November 29, 2016, the defendant was fined \$125,000, and was ordered to, among other things, pay (i) \$3,900 in mandatory special assessments, and (ii) \$295,495 in restitution;

WHEREAS, on or about January 7, 2017, the defendant paid \$3,900 in special assessments;

WHEREAS, on or about May 9, 2018, the Second Circuit vacated the defendant's sentence and remanded to the district court because, in light of the Supreme Court decision in

Marinello v. United States, 138 S.Ct. 1101 (2018), the defendant's conviction on Count One could not stand;

WHEREAS, on or about July 19, 2018, the Court dismissed Count One and the defendant was fined \$125,000, and was ordered to, among other things, pay (i) \$3,800 in mandatory special assessments, and (ii) \$59,488 in restitution;

WHEREAS, the Court ordered that the defendant pay the special assessments and fine immediately;

WHEREAS, the sum of \$124,725 remains unpaid;

WHEREAS, the Government has moved pursuant to Title 28, United States Code, Section 2044 that the Bail Funds be applied toward the payment of this sum;

WHEREAS, the defendant has failed to supply evidence supporting his claim that the Bail Funds are not his but the property of a corporation owned by himself and three family members; and

WHEREAS, that claim contradicts his sworn trial testimony and the information he supplied to the Probation Office in connection with his Presentence Report,

IT IS HEREBY ORDERED that, essentially for the reasons stated by the Government:

1. In accordance with Title 28, United States Code, Section 2044, the Clerk of the Court shall transfer \$100,000.00

in United States currency from the Bail Funds, in partial satisfaction of the defendant's outstanding fine obligation.

2. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Alexander Wilson, Chief of the Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York, 10007.

SO ORDERED:



HONORABLE CATHY SEIBEL
United States District Judge



DATE